

U.S. Patent Appln. Serial No. 10/092,800
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Reply to Office Action dated February 18, 2005

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Amendments to the Drawings

The attached sheets of drawings include changes to Figure 3 and Figure 6. These sheets, which include Figure 3 and Figure 6, replace the original sheets for Figure 3 and Figure 6.

The new drawings are supported by the disclosure, and no new matter has been added.

Attachment: Replacement Sheet - Figure 3

Replacement Sheet - Figure 6.

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REMARKS/ARGUMENTS

Specification Amendments

Terminology was changed for consistency.

Claim Amendments

The Applicant has amended claim 2 to replace "a receiver" with -- at least one of a plurality of receivers within the transmitter's broadcast range -- and to add -- and for receiving triggering signals from any one of a plurality of other transmitters -- after "triggering signal", -- at least one predialler in operative communication with each receiver -- before "the predialler" and -- with the precise location data embedded in the signal -- before "to a 911 operator". In addition, "from the transmitter", "a predialler operatively connected to the receiver", and "the 9-1-1 signal encoded with identifying information convertible by the 911 operator into precise location data" have been deleted.

The Applicant has amended claim 3 to delete "integrated within". In addition -- with cellular capabilities -- after "a portable handheld device" has been added.

The Applicant has amended claim 5 to replace "transmitter" with -- receiver --.

The Applicant has amended claim 8 to replace "phone" with -- wall --.

The Applicant has amended claims 9 and 11 to delete "triggering the predialer's activation".

The Applicant has amended claim 10 to delete "a landline telephone including", "the landline telephone further including", "operatively connected to the receiver, the predialler" and "the 9-1-1 signal encoded with identifying information convertible by the 911 operator into precise location data". In addition, "transmitter" has been replaced with -- cell phone -- and "identifying information" has been replaced with -- precise location data --. Further, -- with the precise location data embedded in the signal -- before "to a 911 operator" has been added.

The Applicant has amended claim 11 to delete "triggering the predialer's activation" and "an emergency".

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The Applicant has amended claim 12 to delete "a landline telephone including", "the return signal encoded with identifying information convertible by the 911 operator into precise location data". In addition, "identifying information" has been replaced with -- precise location data --.

The Applicant has amended claim 13 to add -- a cell phone including -- before "a transmitter", -- a landline telephone including -- before "a receiver" and -- with the precise location data embedded in the signal -- before "to a 911 operator." and to replace "transceiver" with -- cell phone -- and "identifying information" with -- precise location data --. In addition, "operatively connected to the receiver, the predialler" and ", the 9-1-1 signal encoded with identifying information convertible by the 911 operator into precise location data" have been deleted. Further, -- the first transceiver for receiving the return signal and, in response, for transmitting the return signal encoded with precise location data to a 911 operator -- has been added.

The Applicant has amended claim 14 to clarify that the landline phone is -- in an office building -- and a junction box is -- an office junction box --. In addition, "operatively connected to" has been replaced with -- in operative communication with -- and "identifying information" has been replaced with -- precise location data --. Further, -- with the precise location data embedded in the signal -- before "to a 911 operator" has been added and "the 9-1-1 signal encoded with identifying information convertible by the 911 operator into precise location data" has been deleted.

The Applicant has amended claim 16 to add -- with precise location data -- before "comprising the steps of" and -- when the user initiates a 9-1-1 call on the cell phone -- after "a triggering signal". Further, "transmitter" has been replaced with -- cell phone --. In addition, "encoded", "identifying information convertible by the 911 operator into" and "a user initiating a 9-1-1 call on the cell phone" have been deleted.

The Applicant has introduced new method claims 18 and 19. For the reasons outlined below, Applicant submits that new claims 18 and 19 are in a condition for allowance.

The Applicant has introduced new dependent claims 20-24. For the reasons outlined below, Applicant submits that new claims 20-24 are in a condition for allowance.

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The Applicant submits that the claim amendments are supported by the disclosure, and no new matter has been added.

Claim Rejections - 35 U.S.C. 102(b)

In the Office Action, the Examiner rejected claims 2-5 and 7-9 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,305,370 to Kearns et al. ("Kearns"). The Applicant notes that Kearns teaches a remote transmitter, base unit, dialer, automatic location identifier (ALI), and automatically dials the enhanced 9-1-1 system operator (see col. 5, lines 15-23, 27-31). The Applicant further notes that the base unit requires a speaker to allow the user to communicate with the operator, or alternatively the user can communicate with the 9-1-1 system operator through special remote speaker/microphone units installed at various locations throughout the residence or place of business of user (see col. 5, lines 50-56).

The Applicant submits that the present invention, as described in the amended claims, is not anticipated by Kearns. In particular, currently amended claim 2 clarifies that each transmitter can communicate with any one of a plurality of receivers (in particular, those receivers within range). Further, each receiver can accept signals from any transmitter, not just one corresponding transmitter. Accordingly, the relationship between the transmitters and receivers in the system can be described as many-to-many relationship, not a one-to-one relationship as is the case in Kearns. That is, Kearns does not teach the interaction of multiple system; more specifically, Kearns does not teach a receiver for receiving signals from a plurality of other transmitters.

To further clarify, the Applicant notes that Kearns teaches a transmitter for communicating with a particular base unit which uses the same signal (see Kearns at col. 3, lines 25-30 and col. 5 lines 60-65). However, the present invention teaches at least one transmitter for communicating with any one of a plurality of receivers which are located nearest to the transmitter. Accordingly, the present invention teaches a mobile system whereas a Kearns system is only useful in a specific place where base units are installed as each Kearns system will not have any interaction with other Kearns systems.

The implication of the present system having a receiver for receiving signals from a plurality of transmitters is that there are at least two situations where Kearns will not work in

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which the present invention will be operative. In particular, in one situation, there is a first and second base unit where the first base unit is coded to correspond with the transmitter but the second base unit is not. Using a Kearns system, if a user transmits a signal while closest to the second base unit then the first base unit will receive the signal and send to a 9-1-1 signal which has the first base unit's address even though the user is proximate to the second base unit. In contrast, according to the present invention, the 9-1-1 call would have been sent from the more proximate second base unit thereby providing the 9-1-1 operator with more precise location data from the nearest predialler/receiver.

In a second situation, using a Kearns system, if a user triggers the transmitter too far away from the corresponding base unit, the base unit will not receive a signal and no 9-1-1 call will be made. In contrast, whereas under the present invention, any nearby receiver/predialler be triggered and then would initiate a 9-1-1 call.

For the reasons set forth above, the Applicant respectfully requests that the Examiner's rejection of claim 2 under 35 U.S.C. 102(b) be withdrawn.

Claim 4 has been cancelled.

As claims 3, 5 and 7-9 depend directly from claim 2, it is respectfully submitted that the above clarifications and remarks address these rejections, and the Applicant respectfully requests withdrawal of the rejection of claims 3, 5 and 7-9.

Claim Rejections/35 U.S.C. 103(a)

In the Office Action, the Examiner objected to claims 10, 11, 16 and 17 as being unpatentable over Kearns in view of US Patent Application No. 20040033795 A1 to Walsh. The Examiner states that it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kearns with Walsh such that the wireless transmitter is incorporated into a cellular telephone in order to take advantage of the ability to reuse the RF circuitry in the cellular telephone.

With respect to claim 10, the Applicant notes that the Examiner stated that "Kearns et al. fails to expressly disclose that the transmitter is incorporated into a cellular telephone."

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Accordingly, Kearns, read in isolation, does not realize the advantages of the present system such as the ability to reuse the RF circuitry in the cellular telephone.

However, the Examiner has read Kearns in light of Walsh and suggests that Walsh's disclosure of "an emergency system device incorporated into a cellular telephone" (paragraphs 61-62) would have resulted in it being obvious to a person of ordinary skill in the art at the time of the invention to modify Kearns' transmitter into a cell phone to realize the advantages of the present system, thus rendering the present system obvious.

In response to this objection, Applicant submits that a person of ordinary skill in the art would not have combined the two systems in such a way as to arrive at a Kearns system using a cell phone instead of a transmitter. In particular:

1. Kearns teaches away from the use of a cell phone as the transmitter. Kearns is used as a personal alarm for people in an emergency situation who are unable to get to or dial and speak on a regular phone. Accordingly, dialing the sequence 9-1-1 on a cell phone to activate the base unit would likely not have been a viable option. Further, it is clear that Kearns intended the portable transmitter to be portable, easily available and easy to use. In particular, see Kearns at column 5, lines 17-20 where the system is described as "ideally suited for elderly persons living alone." It would not therefore be obvious for Kearns to substitute the transmitter with a cell phone which would be difficult for an elderly person to use given the typically small keys found on a cell phone (Applicant notes the large size of the emergency activation button 22 in Figure 2 by way of contrast). In fact, Kearns' physical packaging of the transmitter included easily worn items such as a necklace, key chain pendant, wrist watch, etc. (see column 6 at lines 12-15) to facilitate easy activation of the base unit.

2. Kearns teaches the use of the transmitter for simply activating a base unit. In comparison, in Walsh, the cell phone requests and receives (or just receives) location data, stores the data and then transmits the data when making a 9-1-1 call directly to a cellular network or other communication system. Accordingly, if a person of ordinary skill was comparing Kearns to Walsh, Kearns' transmitter and Walsh's cell phone would not arguably be seen as having comparable functionality and it would therefore not be obvious that the cell phone in Walsh could be substituted for Kearns' transmitter.

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3. In the event that a person did use a Kearns system with a Walsh cell phone as the transmitter as the Examiner suggested, Applicant submits that the resulting system would be inoperative as the Kearns system's receiver is designed to receive an activation signal, it is not designed to activate the predialler upon receipt of any broadcast signal.

4. Still further, Kearns arguably specifically teaches away from using a cell phone as a transmitter as each transmitter-base unit pair are set to a unique code for eliminating interference from other users' devices (see Kearns at column 3, lines 25-30 and column 5, lines 60-65). This teaches away from using the cell phone taught by Walsh as the Walsh phone would have to be altered to broadcast only on a single channel (that is, the same channel as the system's receiver).

5. One of the objects of Kearns' system is to reduce the number of false alarms which is why he has incorporated an audible alarm 28 to alert users to the fact that the transmitter has been activated. As this would interfere with the normal operation of a cell phone as the speaker would not be usable for listening, it would not be obvious to replace the transmitter with a cell phone as the system would be inoperative in embodiments integrating the audible alarm.

Thus, even if Walsh and Kearns are combined, the subject matter of claim 10 is not taught nor is it obvious.

As claim 11 depends directly from claim 10, it is respectfully submitted that the above clarifications and remarks address this rejection, and the Applicant respectfully requests withdrawal of the rejection of claim 11.

With respect to claim 16, the Applicant submits that the present invention, as described in the amended claims, is distinguished from the cited reference, and thus not rendered obvious. In particular, the Applicant submits that comments with respect to claim 10 overcome their objection as related to the system's method claim 16.

As claim 17 depends directly from claim 16, it is respectfully submitted that the above clarifications and remarks address this rejection, and the Applicant respectfully requests withdrawal of the rejection of claim 17.

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For the reasons set forth above, the Applicant respectfully requests that Examiner's rejection of claims 10, 11, 16 and 17 under 35 U.S.C. 103(a) be withdrawn.

Further Claim Rejections/35 U.S.C. 103(a)

In the Office Action, the Examiner objected to claim 12 as being unpatentable over Walsh et al. in view of Kearns. The Examiner states that it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Walsh et al. with Kearns to include the cell phone transmitting a signal to activate the process in order to prevent the unnecessary use of system resources.

The Applicant notes that while Walsh does generally teach a location information system, the location information only represents predetermined area 210-213 in a facility 110 (paragraph 69). Further, while Kearns does teach a transmitter that transmits a signal to activate a system to request emergency assistance, the signal can only be activated by a base unit (see column 3, lines 7-23).

In contrast, claim 12 of the present invention describes an embodiment wherein the cell phone and the included transceiver can also send a signal to a 911 operator, but in order to get precise location data, the transceiver sends a signal to a land line telephone (see paragraph 55). In addition, Walsh needs each transceiver of predetermined area in order to get precise location data. The present invention does not need separate transceivers to get precise location data because precise location data is obtained from the nearest land line telephone. Thus, even if Walsh and Kearns are combined, this subject matter of this claim is not taught nor is it obvious.

For the reasons set forth above, the Applicant respectfully requests that the Examiner's rejection of claim 12 under 35 U.S.C. 103(a) be withdrawn.

Further Claim Rejections/35 U.S.C. 103(a)

In the Office Action, the Examiner objected to claims 13-15 as being unpatentable over U.S. Patent No. 5,745,849 to Britton in view of Kearns. The Examiner states that it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Britton

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with Kearns to include the location information with the emergency call in order to notify the authorities of the location of the emergency.

The Applicant submits that the present invention, as described in the amended claims, is distinguished from the cited reference, and is thus not rendered obvious. In particular, while the present system teaches a transmitter for transmitting a triggering signal by a user, the Britton system discloses a remote detector generating data in response to an alarm event. Britton does not teach a transmitter having precise location data. Further, while Kearns does teach the transmission of location data to the 911 operator, the location data is the location of the user's base unit instead of the user's position and the present invention provides both a cell phone and a landline telephone which can transmit the signal with precise location data to a 911 operator simultaneously. Thus, even if Britton and Kearns are combined, this subject matter of this claim is not taught nor is it obvious.

With respect to the subject matter of claim 14, the Applicant notes that while Britton teaches a cellular link, the cellular link is used to send to the PSTN a detector signal detected. In contrast, the present system has a bypass circuit for bypassing the PBX-type master switching box thereby connecting directly to a junction box to send the location of an office number not an office building address. Further, while Kearns teaches an alarm system that transmits an automatic location identifier (ALI) with the call to 9-1-1, the location identifier does not contain the specific office number from where the call originated. Kearns relies on an E-911 system to obtain the ALI which does not exist in an office environment. Thus, even if Britton and Kearns are combined, this subject matter of claim 14 is not taught nor is it obvious.

Further, the Applicant reiterates its clarifications and remarks with respect to the rejection of claim 14 under 35 U.S.C. 103(a) above. As claim 15 is dependent on claim 14, it is respectfully submitted that the above clarifications and remarks address the rejections applicable to claim 15, and the Applicant respectfully requests withdrawal of the rejection of claim 15.

For the reasons set forth above, the Applicant respectfully requests that the Examiner's rejection of claims 13-15 under 35 U.S.C. 103(a) be withdrawn.

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The Applicant has introduced new method claims 18 and 19. For the reasons outlined below, Applicant submits that new claims 18 and 19 are in a condition for allowance.

The Applicant has introduced new dependent claims 20 - 24. For the reasons outlined below, Applicant submits that new claims 20 -24 are in a condition for allowance.

The Applicant submits that the claim amendments are supported by the disclosure, and no new matter has been added.

The Applicant respectfully submits that the present application is now in condition for allowance.

A Petition for a Three-Month Extension of Time is enclosed under separate cover.

Excess claim fees in the amount of \$325 are believed due for this submission. The Commissioner is hereby authorized to charge any additional fee and credit any overpayment to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

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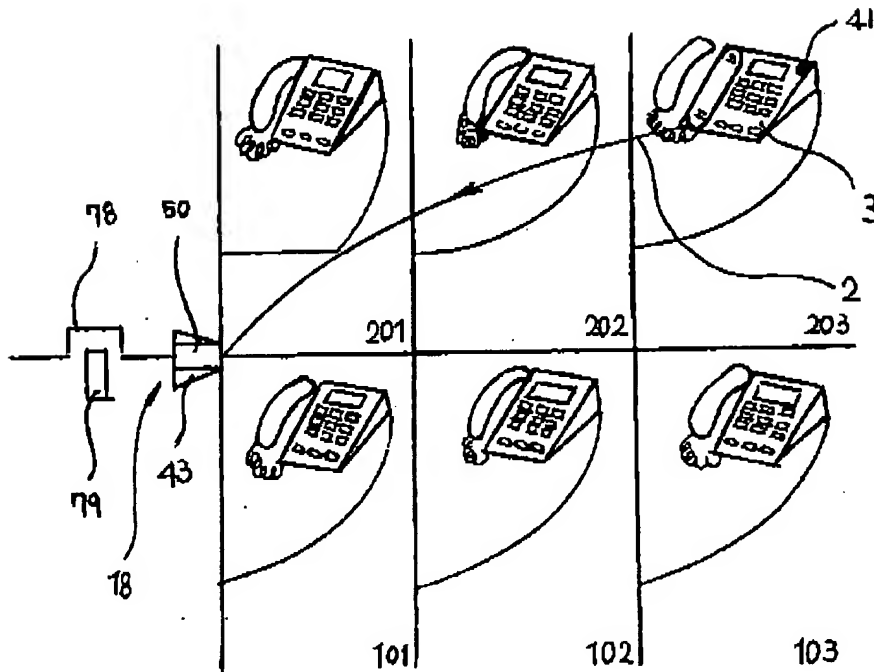


FIG. 3

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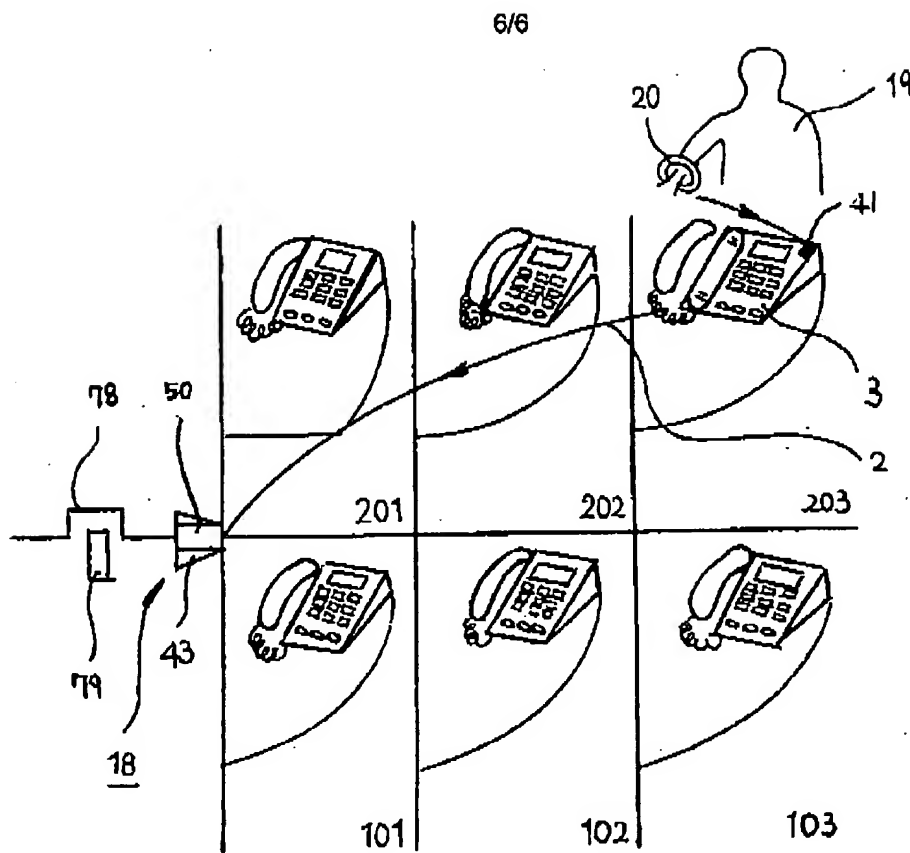


FIG. 6

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